



PROGRESS REPORT NO. 26

TO: Kevin Rochlin – U.S. Environmental Protection Agency (EPA), Region 10
(R10) - via Email
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CC: David Godlewski – TCAI (via Email)
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David Charters – EPA, Headquarters (via Email)
Lucinda Jacobs – Integral Consulting Inc. (via Email)

DATE: September 14, 2008 **FILE NO:** 1-773180-000

RE: Upper Columbia River (UCR) Remedial Investigation/Feasibility Study
(RI/FS) - Progress Report No. 26 Month Ending August 2008

Pursuant to Paragraph 39 of the June 2, 2006 Settlement Agreement (Agreement), the following is intended to provide a summary of the activities completed during the past month in compliance with the aforementioned Agreement. It is also intended to provide a brief summary of pending and on-going activities.

TCAI continues to work with the Confederated Tribes of the Colville Reservation (CCT) in finalizing a temporary site access agreement. Based on discussions with the Spokane Tribe of Indians (STI), TCAI understands that a draft access agreement is no longer required with the STI¹; but that a “ground disturbance permit”, which is linked to the review of the respective cultural resources coordination plan (CRCP), will be necessary. TCAI will work with EPA and the STI in obtaining the necessary ground disturbance permit(s). TCAI is awaiting a cost estimate from the U.S. Department of Interior (DOI) so that the processing of the Special Use Permit application (i.e., form 10-930) can occur. TCAI will continue to work with the DOI in obtaining the necessary special use permit(s).

A summary of activities (e.g., deliverables) completed to date, and those anticipated within in the near future, are presented within Table 1 below.

¹ This is very different than what was originally communicated to TCAI on April 4, 2008.

Table 1. Upper Columbia River Remedial Investigation/Feasibility Study Summary of On-Going and Planned Activities

Task No.	Task Description	Status	Issues	Estimated Completion Date ¹
1.	2005 Field Data Transfer	Complete	None to report at this time	<u>July 31, 2006</u>
2.	Technical Memorandum ^{2.}	Complete	None to report at this time	<u>October 27, 2006</u>
3.	Draft RI/FS Work Plan	Draft submitted	None to report at this time	<u>December 28, 2006</u>
4.	Sampling and Analysis Plan (SAP) ^{3.}	Draft submitted	None to report at this time	<u>February 26, 2007</u>
5.	Health and Safety Plan	Complete	None to report at this time EPA does not approve Health and Safety Plans	<u>February 26, 2007</u>
6.	Cultural Resources Coordination Plan ^{4.}	Draft submitted	None to report at this time	<u>February 26, 2007</u>
7.	Revised RMAO Memorandum ^{5.}	Complete	None to report at this time	<u>March 11, 2007</u>
8.	Additional Trail Data	Complete	None to report at this time	<u>May 6, 2007</u> ^{6.}
9.	April Workshop Summary	Complete	None to report at this time	<u>July 12, 2007</u>
10.	Revised RI/FS Work Plan ^{7.}	Draft submitted	None to report at this time	<u>September 21, 2007</u>
11.	Screening Level ERA	Draft submitted ^{8.}	None to report at this time	<u>March 11, 2008</u>
12.	White Sturgeon Surface Water Toxicity SAP ^{9.}	Draft Submitted	None to report at this time	<u>May 26, 2008</u>
13.	Surface Water SAP	Draft submitted ^{10.}	None to report at this time	<u>July 18, 2008</u>
14.	Fish Tissue SAP	Draft submitted ¹⁰	None to report at this time	<u>July 18, 2008</u>
15.	Phase 2 Beach SAP	Draft submitted	None to report at this time	<u>August 1, 2008</u>

- Notes:
1. Dates that have been underlined represent the actual day that the respective deliverable was submitted to EPA as per Paragraph 80 of the Agreement.
 2. As outlined within the Agreement, the technical memorandum outlines and described the Risk-Based Remedial Objectives for the Ecological Risk Assessment. Remedial objectives for the protection of human health will be prepared by EPA and submitted under separate cover at a later date.
 3. The *2007 Sediment Investigation of Beaches and Depositional Areas* sampling and analysis plan submitted under Paragraph 13 of the Agreement was disapproved in a letter dated June 20, 2008 (received on June 24, 2008) with revisions due no later than August 25, 2008.
 4. Further to EPA's September 19, 2007 letter informing TCAI that the February 2007 cultural resource coordination plan (the plan) would require revisions. EPA disapproved the plan and in a letter dated July 3, 2008 (received on July 7, 2008), requested that a revised plan be submitted with each quality assurance project plan. A revised plan was submitted with the 2008/2009 Surface Water Study (Item No. 13), the 2008 Fish Tissue Study (Item No. 14), and

the 2008/2009 Beach Sediment Study (Item No. 15).

5. The draft technical memorandum on risk-based management action objectives (RMAOs) was revised per EPA's January 16, 2007 comments.

6. Following a request outlined by EPA in a letter dated February 1, 2007 (received on February 5, 2007) TCAI has compiled additional information on the Trail Facility so as to assist in the identification of chemicals of concern (COIs) as outlined within Paragraph 24 of the Agreement. An electronic version of the deliverable was forwarded to EPA on May 6, 2007 with hard copies delivered shortly thereafter. In addition, a second deliverable identified as "*Business Confidential*" information was submitted to EPA legal counsel under separate cover on May 7, 2007 by Pillsbury Winthrop Shaw Pittman (i.e., TCAI legal counsel) on behalf of TCAI.

7. An electronic copy of the draft RI/FS work plan has been provided to facilitate modifications of the document by EPA. It is anticipated that both EPA and TCAI will be in a position to finalize this document in the near future.

8. The draft document submitted in March 2008 was mutually agreed to be an interim draft technical document.

9. As noted during the March 2008 technical workshop, the draft SAP is for work being conducted in Canada and will be provided to EPA for informational purposes. Results of the study will be treated in a similar matter as other peer reviewed papers.

10 A draft 2008 Plankton Study was appended to the draft study plan.

11 ERA = Ecological Risk Assessment
SAP = Sampling & Analysis Plan

Should you have any questions or require any additional information, please do not hesitate to contact me at 509-892-2585.